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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,466	04/06/2001	Frederick Schuessler	7157-291	6160

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EXAMINER

FUREMAN, JARED

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/827,466

Applicant(s)

SCHUESSLER ET AL.

Examiner

Jared J. Fureman

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 116 and 137-144 is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 11, 13, 14, 18-20, 23, 24, 28-30, 32, 33, 37, 38, 131 and 133-136 is/are rejected.
- 7) ☒ Claim(s) 6 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Continuation of Disposition of Claims: Claims pending in the application are 1,4-6,9-11,13,14,18-20,23-25,28-30,32,33,37,38,116,131 and 133-144.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/28/2005 has been entered. Claims 1, 4-6, 9-11, 13, 14, 18-20, 23-25, 28-30, 32, 33, 37, 38, 116, 131 and 133-144 are pending.

Claim Objections

1. Claims 1, 20 and 135 are objected to because of the following informalities:

Claim 1:

Line 11: "received" should be replaced with --accessed--, in order to avoid a lack of proper antecedent basis for "the data received by the remote device". Note that claim 1, line 9, recites "accessing".

Line 12, "lest" should be replaced with --least--, in order to correct a typographical spelling error.

Art Unit: 2876

Claim 20, line 12: "the" (first occurrence) should be deleted, in order to avoid a lack of proper antecedent basis for "the data received from the network location".

Claim 135:

Line 2, --connect-- should be inserted after "to", in order to correspond with claim 134, line 3.

Line 4, --information-- should be inserted after "code", in order to correspond with claim 134, lines 3-5.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 20, 23, 28, 29 and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Hudetz et al (US 6,199,048, previously cited).

Hudetz et al teaches a portal (service provider 22, see figure 1) for processing information, comprising; a first interface (an interface connected to link 50, for example,

Art Unit: 2876

see figure 1) for receiving information from a plurality of bar code scanners (local host 28 in combination with input device 44, see figure 1 and column 5, lines 13-26. Note that while only a single local host 28 and input device 44 are shown in figure 1, clearly service provider 22, which is an Internet service provider, is designed to be used with a plurality of local hosts and input devices, see column 5, lines 6-11), the received information from each bar code scanner including bar code information (information from bar code 46, figure 1 and column 6, lines 7-17, such as UPC fields 70 and 72, figure 4 and column 7, lines 2-42); and a processor (not shown, but necessarily present at service provider 22) for: identifying at least a portion of the destination information (information in field 74, such as URL information, see figure 4 and column 7, lines 2-42) stored in a database (relational database 60, see figures 1, 4 and column 7, lines 2-42) based on at least a portion of the received bar code information (the information in UPC fields 70 and 72) wherein the database includes destination information (field 74) associated with one or more bar codes (the field 74 is associated with the fields 70 and 72, which is represented by the bar code 46) and the database being accessible by the processor (the database 60 is accessible by the service provider 22, see figure 1 and column 7, lines 2-3), accessing a network location (remote nodes 24 or 26, for example, which contain the information referenced by the URL, see figure 1 and column 5, lines 55-65) referenced by the identified portion of the destination information (the URL of field 74), and providing data (the information stored at the URL) received from the network location (nodes 24 or 26) to users of the bar code scanners (the user of the local host 28 and input device 44); the information received from the bar code scanners

being in an encrypted form (the bar code information is communicated from the local host 26/input device 44 in an encoded form according to the particular communications protocol being used, thus, the information can be considered encrypted), further comprising the processor decrypting the received information (the service provider 22 will extract the information transmitted by the local host 28 and input device 44 from the encoded form of the particular communications protocol being used); wherein the bar codes are disassociated with destination information associated with those bar codes (for example, when a network address is changed/updated the previous network address will be disassociated with the bar code, see column 3 lines 1-37, and column 3 line 58 - column 4 line 31); associating a bar code image file with one or more of the bar codes (the information encoded by the bar code 46 represents a bar code image file, since the image of the bar code represents the information encoded therein); wherein the network location is an Internet location (nodes 24 and 26 are Internet 20 locations); (also see figures 1, 2, 4, 5, 7, 10, column 3 lines 1-37, column 3 line 58 - column 4, line 31, column 4 line 64 - column 5 line 65, column 6 lines 7-18, column 7 line 1 - column 9 line 20, column 9, lines 43-54 and column 10 lines 5-12).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4, 5, 9-11, 13, 14, 18, 19, 24, 30, 32, 33 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al (US 6,199,048 B1) in view of Sloane (US 5,918,211).

Re claims 1, 4, 5, 9, 10, 13, 14, 18, 19, 24, 32, 33 and 37: The teachings of Hudetz et al have been discussed above.

Hudetz et al fails to specifically teach receiving source information identifying a user of the bar code scanners; providing data to at least one user of at least one of the bar code scanner based on the received source information; wherein receiving the information from the bar code scanners comprises receiving user identification information associated with the bar code scanners; receiving time information from one or more of the bar code scanner; receiving location information from one or more of the bar code scanners; wherein the information is received by the remote device wirelessly.

Sloane teaches receiving information, at a remote device (retailer computer/controller 12, see figures 3A-7), from a plurality of bar code scanners (20, see figure 2A and 5), the received information from each bar code scanner including bar code information (UPC code information, see figure 5) and source information (for example, a terminal or network identification of the bar code scanner 20, that would necessarily be required if a plurality of bar code scanners are being used at the same frequency in the wireless network, see column 7, lines 58-61) identifying a user of the bar code scanners (the terminal or network identification of the bar code scanner 20 identifies a user of the bar code scanner, since the bar code scanner 20 is associated with a frequent shopper card account, see column 3, lines 33-37 and column 7, lines

Art Unit: 2876

27-40); providing data (product or promotion information, for example, see column 7, line 65 - column 8, line 12) to at least one user of at least one of the bar code scanners based on the received source information; wherein receiving the information from the bar code scanners comprises receiving user identification information (a frequent shopper card account information, for example, see column 3, lines 33-37) associated with the bar code scanners; receiving time information from one or more of the bar code scanner (the time the user scans their frequent shopper card and/or specific UPC codes, for example); receiving location information from one or more of the bar code scanners (the retailer computer/controller 12 receives location information through video camera 44a, see figure 2c and column 9, lines 27-42); wherein the information is received by the remote device wirelessly (see column 7, lines 49-62) (also see figures 2A-7, 9-13; column 3, lines 33-47, column 4, lines 1-13; column 6, line 64 - column 7, line 3; column 7, lines 27-40; column 7, line 49 - column 8, line 12; column 8, lines 50-63; and column 9, lines 5-42).

In view of Sloane's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system as taught by Hudetz et al, receiving source information identifying a user of the bar code scanners; providing data to at least one user of at least one of the bar code scanner based on the received source information; wherein receiving the information from the bar code scanners comprises receiving user identification information associated with the bar code scanners; receiving time information from one or more of the bar code scanner; receiving location information from one or more of the bar code scanners; wherein the

information is received by the remote device wirelessly; in order to allow the use of a portable bar code scanner in a shopping environment to provide additional product information and/or special promotions to specific users, thereby increasing sales.

Re claims 11 and 30: The teachings of Hudetz et al as modified by Sloane have been discussed above.

Hudetz et al as modified by Sloane fails to specifically teach associating security information with one or more of the bar code scanners before allowing use of the one or more scanners.

However, official notice is taken that at the time of the invention it was old and well known to those of ordinary skill in the art to require a password or personal identification number when logging-in to an ISP or when accessing a computer terminal (such as the service provider 22 and local host 28/input device 44, as taught by Hudetz et al), in order to prevent unauthorized persons from gaining access.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method and portal as taught by Hudetz et al as modified by Sloane, associating security information with one or more of the bar code scanners before allowing use of the one or more scanners, in order to prevent unauthorized persons from gaining access to the system, thereby improving security.

6. Claim 131 and 133 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al.

As discussed above, Hudetz et al teaches a method comprising: receiving bar codes (bar code symbol 46, see figure 2) selected by a group of users using bar code readers (users of local host 28 and input device 44, see figures 1 and 2); allowing the group of users to connect to an Internet portal (service provider 22, see figure 1) in response to receiving the bar codes; permitting the group of users to access a common web page (stored at the location identified by URL field 74, see figure 4) based on information encoded in each bar code (UPC fields 70 and 72) and based on destination information (the URL 74 of the Web-site associated with UPC fields 70 and 72) corresponding to the received bar codes, wherein the destination information is accessible from the Internet portal; receiving bar codes selected by a group of users using bar code readers each bar code associated with source information (such as a terminal or network identification of the local host 28 or a user's login information, for example) identifying a user of the bar code readers; providing data received from the Internet portal to said at least one user of at least one of the bar code readers based on the received source information (the service provider 22 must have an identification of the local host 28, in order to know which information to send to a specific local host 28, for example).

Hudetz et al fails to specifically teach permitting the group of users to communicate with each other through the common web page.

However, official notice is taken that at the time of the invention it was well known to those of ordinary skill in the art that a group of users can communicate with each

Art Unit: 2876

other through a common web page (for example, users can communicate with each other through chat rooms, message boards, forums, etc., located at a web site).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method as taught by Hudetz et al, permitting the group of users to communicate with each other through the common web page, (for example, in order to allow users to access information such as product, book, or movie reviews, etc., written by other users), thereby encouraging continued use of the web page(s).

7. Claims 134-136 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al in view of Bianco (US 5,979,762, previously cited).

The teachings of Hudetz et al have been discussed above.

Hudetz et al fails to specifically teach allowing at least one user to connect to the Internet portal when encryption of bar code information is not indicated and not allowing the user to connect to the Internet portal when encryption of the bar code information is indicated; connecting said at least one user to the Internet portal depending upon whether the encryption of the bar code information is turned off.

Bianco teaches a method for providing encrypted bar codes and allowing a user access to selected information/areas in dependence of whether the bar code is encrypted or not (see figures 2-3, column 2 lines 48-64, and column 3 line 15 - column 5 line 42).

In view of Bianco's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method as taught by Hudetz et al, allowing at least one user to connect to the Internet portal when encryption of bar code information is not indicated and not allowing the user to connect to the Internet portal when encryption of the bar code information is indicated; connecting said at least one user to the Internet portal depending upon whether the encryption of the bar code information is turned off, in order to provide greater security.

Allowable Subject Matter

8. Claims 6 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 116 and 137-144 have been allowed over the prior art of record.

10. The following is a statement of reasons for the indication of allowable subject matter and the reasons for allowance: The prior art of record, taken alone or in combination, fails to teach or fairly suggest: (regarding claim 6) wherein receiving the information comprising receiving a portion of the destination information associated with the bar code information (as recited in claim 6) in combination with maintaining a database of bar codes and destination information associated with the bar codes and identifying at least a portion of the destination information stored in the database based on at least a portion of the received bar code information (as recited in claim 1, from which claim 6 depends); (regarding claim 25) wherein the received information

comprises a portion of the destination information associated with the bar codes (as recited in claim 25) in combination with identifying at least a portion of the destination information stored in a database based on at least a portion of the received bar code information, wherein the database includes destination information associated with one or more bar codes (as recited in claim 20, from which claim 25 depends); (regarding claim 116) the bar code having an associated prefix portion, wherein the prefix portion indicated whether to deactivate encryption, receiving information represented in the prefix portion of the bar code and connecting a user to the entity based on information represented in the bar code and based on information represented in the prefix portion; (regarding claim 137) where the bar code has an associated prefix portion that indicates whether to deactivate encryption, receiving at a device, bar code information and information represented by the prefix portion and based on the information represented by the prefix portion, displaying at least a portion of the bar code information on a display associated with the device or connecting the device to a remote location indicated in the bar code information; in combination with the other limitations as recited in the claims.

Hudetz et al teaches determining destination information (URL field 74, see figure 4) based upon received bar code information (UPC fields 70 and 72, see figure 4) and Wilz, Sr. et al teaches determining destination information (URL 38A, see figure 6B) from a received bar code (38B, see figure 6B) (the URL is encoded in the bar code). However, there is no teaching or suggestion to combine the teachings of the prior art so as to determine a portion of the destination information from a database that associated

destination information with bar code information and receiving a portion of the destination information from the bar code reader.

Bianco teaches a bar code strip 20 including bar code 12 and bar code 22 (see figure 2). While bar code symbol 22 is encrypted (see column 4, lines 1-9), Bianco does not teach or suggest a method having a bar code including a prefix portion where the prefix portion indicates whether to deactivate encryption; and connecting and/or displaying information based on information represented in the prefix portion.

Response to Arguments

11. Applicant's arguments with respect to claims 1, 4, 5, 9-11, 13, 14, 18-20, 23, 24, 28-30, 33, 37, 38, and 131 have been considered but are moot in view of the new ground(s) of rejection. The teachings of Hudetz et al, Sloane and Bianco have been discussed above.


12. In addition, O'Hagan et al (US 6,595,417, previously cited) is being cited as evidence that it was old and well known to those of ordinary skill in the art at the time of the invention to require a personal identification number to be entered into a terminal in order to allow use of the terminal/network (see at least figure 13 and column 16, lines 7-21) and Bayrakeri (US 6,185,602, previously cited) is being as evidence that it was old and well known to those of ordinary skill in the art to allow users to communicate with each other through an Internet web page or chat room (see at least column 1, lines 31-37).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (571) 272-2391. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jared J. Fureman
Primary Examiner
Art Unit 2876

February 21, 2006